

The Honorable James P. Donohue

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN DOE,

Defendant.

NO. MJ11-89

COMPLAINT for violations of  
18 U.S.C. § 1028A;  
and 42 U.S.C. § 408(a)(7)(B)

BEFORE JAMES P. DONOHUE, United States Magistrate Judge, Seattle, Washington.

**COUNT ONE**  
**(Social Security Number Misuse)**

On or about June 26, 2009, in King and Thurston Counties, within the Western District of Washington, JOHN DOE, for the purpose of obtaining something of value, specifically, Washington State Employment Security (DES) benefits, and with the intent to deceive, falsely represented to the Washington State Employment Security Department on a benefit application form that his Social Security number was XXX-XX-3920, when in fact, as he then well knew, such number was not the Social Security number assigned to him by the Commissioner of Social Security.

All in violation of Title 42, United States Code, Section 408(a)(7)(B).

**COUNT TWO**  
**(Aggravated Identity Theft)**

On or about June 26, 2009, in King and Thurston Counties, within the Western District of Washington, JOHN DOE, knowingly used, without lawful authority, a means of identification of another person, to wit, the name M.L.S., and the Social Security number XXX-XX-3920, during and in relation to a felony listed in Title 18, United States Code, Section 1028A, to wit, Social Security Number Misuse, in violation of Title 42, United States Code, Section 408(a)(7)(B), as charged in Count One of this Complaint.

All in violation of Title 18, United States Code, Section 1028A.

The undersigned complainant, being duly sworn, states:

1. I am a Special Agent of the Social Security Administration, Office of Inspector General, Office of Investigations (SSA-OIG), and have been so employed since June 18, 2004. I am currently assigned to the SSA-OIG field office in Seattle, Washington. I have successfully completed the Criminal Investigator Training Program, as well as the Inspector General Academy, at the Federal Law Enforcement Training Center at Glynco, Georgia. My primary duties are to investigate the crimes of Social Security fraud and identity theft. Prior to my employment with SSA-OIG, I was employed for three years as a United States Probation/Parole Officer for United States District Court in the Western District of Washington, and was assigned to the field office in Seattle, Washington. Prior to this, I was employed in 2001 as a Washington State Department of Corrections Community Corrections Officer, and was assigned to a unit in Seattle, Washington. I hold a Bachelor of Arts degree in Law and Justice.

2. During the course of my work as a Special Agent, I have conducted numerous investigations involving identity theft, Social Security fraud, and bank fraud. As a result, I am familiar with schemes involving the use of fraudulent Social Security numbers and identity documents, as well as Social Security program fraud involving disability and retirement benefits.

1       3.       The information contained in this affidavit is based on my own  
2 investigation, as well as on investigations being conducted by the Washington State  
3 Employment Security Department (ESD), and the Washington State Department of  
4 Licensing (DOL), Special Investigations Unit. This affidavit is written solely to establish  
5 probable cause for the arrest of JOHN DOE, and does not purport to detail all the facts of  
6 this investigation.

#### 7                                   **I. SUMMARY OF THE INVESTIGATION**

8       4.       This affidavit is made in support of a complaint for the arrest of JOHN  
9 DOE for violations of Title 42, United States Code, Section 408(a)(7)(B) (Social Security  
10 Number Misuse), and Title 18, United States Code, Section 1028A (Aggravated Identity  
11 Theft). I have unverifiable suspicions about JOHN DOE's true identity; however,  
12 because I cannot locate a current photograph or historical record regarding that identity, I  
13 cannot confirm it and will thus refer to the suspect as "JOHN DOE." As set forth below,  
14 it appears that for the past thirty years, JOHN DOE has been using the identity of M.L.S.,  
15 including the true Social Security Number and date of birth of M.L.S. Under the M.L.S.  
16 identity, and using the Social Security Number of M.L.S., JOHN DOE has obtained  
17 several Washington state identification cards, as well as over \$100,000.00 in Washington  
18 state employment benefits. There is substantial information indicating that the true  
19 M.L.S. resides in New York, has never lived in Washington state, and is not the same  
20 person as JOHN DOE.

#### 21                                   **II. BACKGROUND**

22       5.       JOHN DOE is a black male, with black hair and brown eyes, who is five  
23 feet eight inches tall, and weighs 160 pounds. I have reviewed copies of Washington  
24 DOL licenses obtained in the name of M.L.S., but bearing JOHN DOE's photograph.  
25 These copies consist of a identification card in the name of M.L.S., and three additional  
26 replacement cards in this name. According to Washington DOL records, the Social  
27 Security Number linked to the driver's license is XXX-XX-3920, and the date of birth is  
28 xxxxx xx, 1948. According to SSA computer records, this Social Security Number was

1 assigned to M.L.S., with that date of birth.

2       6. This investigation began in January 2010, when I was contacted by  
3 Washington State Department of Licensing (DOL), Special Investigations Unit  
4 investigator Ashley Moore, who forwarded to me an allegation of Social Security number  
5 misuse and identity theft. Ms. Moore advised that an unknown person (JOHN DOE)  
6 appeared to have obtained identifications in the name M.L.S., as well as in the further  
7 alias name of "S.S." Washington DOL had been notified of the issue when they were  
8 contacted by a person claiming to be the true M.L.S., who lived in New York (hereafter,  
9 the "New York M.L.S." The New York M.L.S, a SSA benefit recipient, told Washington  
10 DOL that he had attempted to obtain a New York instructional permit and was advised by  
11 New York DOL that he would have to provide his Washington identification. The New  
12 York M.L.S stated that he had never obtained identification in Washington.<sup>1</sup>

### 13                   III. WASHINGTON DOL RECORDS

14       7. A review of Washington DOL records showed that on July 18, 1985,  
15 M.L.S.'s name, date of birth, and Social Security Number were used by an unknown male  
16 in Washington to establish a driver's record. This record was renewed several times by  
17 the same person, the latest being on April 26, 2008. Further research by Washington  
18 DOL, of Washington DOL identification cards mailed to the address where the M.L.S. ID  
19 card had been sent, showed that the same male had also obtained identification in the  
20 alternative identity of "S.S." Washington DOL requested that I aid in determining who  
21 the true M.L.S. was, and, if Social Security number misuse had occurred.

22       8. An investigative summary, prepared by the DOL, indicates that on July 18,  
23 1985, a driver's record was established in the name M.L.S., using M.L.S.'s name, date of  
24 birth, and Social Security Number. A copy of the original driver's license, original  
25 identification card, and both associated original applications are not available given the  
26

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27       <sup>1</sup> There is one discrepancy between the "M.L.S." name, as used by the Washington  
28 JOHN DOE, and the "M.L.S." name that is listed in official SSA records and used by the  
New York M.L.S. In particular, the Washington JOHN DOE has consistently used the  
middle name of "Lee" when operating under the "M.L.S." identity. But the official SSA  
records and the New York M.L.S. use the middle name of "Lewis."

1 records retention schedule of the DOL. Since that date, however, as evidenced by card  
2 photographs, the same person has received one driver's license and three identification  
3 cards under that record. By comparing the four card photographs, I determined they all  
4 appeared to be of the same person.

5 9. I have also reviewed the DOL records regarding "S.S.," which the DOL  
6 located by searching for identification cards sent to the same addresses used for the  
7 "M.L.S." identity. The Social Security number used for the "S.S." application is not in  
8 fact assigned to a person named "S.S.," indicating that the "S.S." identity is likely fake.  
9 Additionally, I have compared the two photos under the "S.S." identity, and the four  
10 photos under the "M.L.S." identity, and believe they feature the same person throughout  
11 the years, with slight variations due to age, and accessories such as clothing and glasses,  
12 and lighting.

13 10. After making this determination, I contacted Washington State Department  
14 of Social and Health Services (DSHS) investigator Patricia Peterson to determine if  
15 Washington State public assistance was being issued under the M.L.S. identity. DSHS  
16 records show that on August 29, 2005, DSHS received an application for benefits from a  
17 person claiming to be M.L.S. DSHS retained a copy of the applicant's identification,  
18 which was a DOL identification card in the name of M.L.S., and a Social Security card  
19 M.L.S.'s name and true Social Security Number. I reviewed the copy of the Social  
20 Security card and determined that, while the copy quality is poor, one of the security  
21 features on the card did not appear to be met, supporting my belief that the card was  
22 counterfeit.

23 11. I then contacted Chris Hollister, an investigator with the New York  
24 Department of Motor Vehicles. He confirmed that a longstanding record existed in New  
25 York under the identity of M.L.S., but advised that due to privacy laws he could not  
26 release the photos. I forwarded him the Washington State DOL photos of the person  
27 purporting to be M.L.S. in Washington, and he confirmed that, based on the New York  
28 identification card photos of the M.L.S. in New York which he had access to review, it

1 was not the same person. The Washington State Department of Licensing forwarded me  
2 copies of the New York M.L.S.'s licenses, which they had received from the New York  
3 M.L.S. and a social worker assisting him.

#### 4 IV. CRIMINAL HISTORY RECORDS REGARDING M.L.S.

5 12. As detailed below, I have located two criminal history records associated  
6 with the name, M.L.S., and with the date of birth and Social Security Number of M.L.S.  
7 One is associated with multiple different aliases, contains criminal history from several  
8 states including Washington, and appears to be associated with JOHN DOE. The other  
9 record appears to be associated with the New York M.L.S.

10 13. The first criminal history record I found for M.L.S. showed multiple aliases,  
11 including the same "S.S." linked to JOHN DOE by DOL records. This record was  
12 originally established in 1968, under the name "L.C.," due to an arrest in Baltimore,  
13 Maryland. The second arrest occurred on March 21, 1970, again in Baltimore, Maryland.  
14 No name is linked to this record, however. On February 21, 1971 the third arrest  
15 occurred in Baltimore for a probation violation. The name "L.C." was used at the time of  
16 arrest. On November 11, 1977 an arrest occurred in Baltimore under the name "Tyrone  
17 Wudtee." Then, on June 26, 1978, an arrest occurred in Tacoma, Washington, under the  
18 name "M.L.S." Since that date, at least ten additional arrests have occurred in  
19 Washington State which are linked by fingerprints to the same record. The subject who  
20 was arrested used the name M.L.S. during each arrest. I have reviewed several King  
21 County Jail booking photos linked to this record, specifically photos taken on May 16,  
22 2005, March 25, 1996, December 16, 1995, and May 20, 1995. These booking  
23 photographs appear to depict the same person who appears in the DOL photographs for  
24 M.L.S. and S.S. – i.e., JOHN DOE.

25 14. I then located a second FBI number, also showing the name "M.L.S." and  
26 the true Social Security Number and date of birth of the victim. This NCIC record  
27 detailed several arrests on the East Coast from the 1970s to the present. No arrests on the  
28 West Coast, or alias names, were linked to this record. In addition, it is noteworthy that



1 the name of M.L.S. became associated with this second record before it was ever used by  
2 the individual associated with JOHN DOE's criminal history record. As detailed below,  
3 the New York M.L.S. has confirmed that this criminal history record is an accurate  
4 summary of his criminal history.

5 15. I cross-referenced the two FBI numbers and their associated criminal  
6 histories to ensure that there were not duplicate entries, and confirmed there were none. I  
7 am aware that the FBI links arrests to FBI numbers/NCIC records via fingerprints;  
8 consequently, it appears that two different individuals are using the name M.L.S., as well  
9 as the Date of birth and Social Security Number of M.L.S.

10 **V. WASHINGTON EMPLOYMENT SECURITY DEPARTMENT RECORDS**

11 16. On January 27, 2010, I contacted Washington State Employment Security  
12 investigator Patti Trevino to determine if any applications had been made for  
13 unemployment benefits in M.L.S.'s identity. Ms. Trevino stated that current  
14 unemployment benefits were being paid under M.L.S.'s name, date of birth and Social  
15 Security Number. She further advised that M.L.S.'s identifiers had been used to apply for  
16 unemployment benefit since the late 1990s. According to Washington ESD records, since  
17 September 1995, over \$100,000.00 in unemployment compensation and emergency  
18 unemployment compensation benefits have been paid under the M.L.S. identity. I have  
19 reviewed the applications submitted to obtain these benefits, on various dates between  
20 June 7, 1994, and June 26, 2009. Each application lists M.L.S.'s name and Social  
21 Security Number.

22 17. On the second most recent application, dated June 26, 2009, the applicant  
23 listed M.L.S.'s true name, date of birth, and Social Security Number, as well as a  
24 residence address in Covington, Washington. Ms. Trevino advised that the application  
25 had been submitted via mail to the Olympia, Washington ESD office.

26 18. Subsequent to this, unemployment benefits were sent, in the form of checks,  
27 to the person representing himself as M.L.S. Key Bank has provided video of the  
28 transactions in which these checks were cashed. The person conducting these

1 transactions appears to be JOHN DOE. In addition, written on the checks is the  
2 Washington driver's license number associated with the M.L.S. identity of JOHN DOE.

3 19. On January 13, 2011, Ms. Trevino informed me that JOHN DOE had  
4 reopened an unemployment claim by phone on January 11, 2011. Ms. Trevino also  
5 confirmed that JOHN DOE was continuing to use the same residence address in  
6 Covington, Washington.

7 **VI. APRIL 12, 2010 SURVEILLANCE AT ESD**

8 20. On April 12, 2010, another agent and I met Ms. Trevino at the Auburn  
9 WorkSource office. Ms. Trevino had scheduled an unemployment review at 11:00 a.m.  
10 for the person receiving benefits under the M.L.S. identifiers. At approximately 11:00  
11 a.m., a black male whom I recognized as JOHN DOE entered the office, went to the  
12 receptionist, and identified himself as M.L.S. JOHN DOE was then interviewed by Ms.  
13 Trevino and another ESD employee. During the interview, JOHN DOE produced a  
14 Washington license for M.L.S., and verbally provided the last six digits of M.L.S.'s true  
15 Social Security Number. JOHN DOE claimed that he did not drive and that he traveled  
16 by bus.

17 21. Following the interview, JOHN DOE left the office and proceeded to walk  
18 northbound around the office. I exited the office, retrieved my vehicle, and circled the  
19 office northbound with the other agent. As we turned westbound around the office, we  
20 observed a white Ford truck bearing a particular Washington license plate, leaving the  
21 Worksource parking lot. This truck is registered in the name of M.L.S. I was not able to  
22 see the driver through the truck's tinted windows, but I was able to determine that he was  
23 wearing a baseball hat, consistent with what JOHN DOE was wearing when leaving the  
24 office. I had observed this truck on prior occasions at the Covington address at which  
25 JOHN DOE appears to be receiving Washington ESD benefits under the name of M.L.S.  
26 I believe JOHN DOE advised the ESD employees that he did not drive because of two  
27 outstanding misdemeanor warrants linked to the name M.L.S. in Washington State.  
28



**VII. INTERVIEW OF NEW YORK M.L.S.**

22. During the investigation, I asked the New York Field Division of SSA-OIG to contact the New York M.L.S. and conduct an interview to confirm his identity. On Monday, April 22, 2010, Special Agent Kevin Reinhard interviewed M.L.S. According to Special Agent Reinhard, M.L.S. was able to provide detailed information about family history, prior addresses, prior arrests, and other topics. M.L.S. stated that he was born in South Carolina and raised by his foster mother, M.D., who was his aunt. M.L.S. further reported that he grew up on a farm located in South Hampton, New York and attended school in Bridgehampton, New York. M.L.S. stated that he had never lived in, or traveled to, Washington State, had never been arrested in Washington State, and had never obtained identification, or applied for any public assistance, in Washington State. M.L.S. provided a written statement to this effect to SA Reinhard.

23. M.L.S. recalled that in 1977, he knew a male named Tyrone "Witchee" (spelled to the best of M.L.S.'s knowledge) while living in Baltimore, Maryland. M.L.S. recalled that he and Tyrone were at a bar when Tyrone drew a handgun and aimed at another patron whom Tyrone had been arguing with. M.L.S. took the gun from Tyrone, and the two went outside. The police then arrived and found M.L.S. with the gun he took from Tyrone. According to M.L.S., Tyrone somehow took M.L.S.'s wallet and left the area. At that point, M.L.S. was arrested for possession of the weapon, and never saw Tyrone again. M.L.S. suspected that Tyrone may have assumed his identity following the incident. While M.L.S.'s suspicion has not been fully confirmed, I note that one of the names associated with JOHN DOE's criminal history record is "Tyrone Wudtee," which is quite close to the name reported by the New York M.L.S.

24. M.L.S. further advised that in the 1980s, he was contacted by the Internal Revenue Service and advised that he owed them \$10,000 for his West Coast employment. M.L.S. then went to the IRS with supporting documentation, and explained he had never worked on the West Coast, or been there. M.L.S. recently forwarded me a copy of a credit report which documents numerous delinquent accounts in Washington State, which

1 M.L.S. advised he did not incur.

2       25. Special Agent Reinhard obtained fingerprints and a photograph of the New  
3 York M.L.S. at the time of the interview. I reviewed the photograph and determined that  
4 it was not the same person depicted in the Washington State DOL record held in the  
5 name, date of birth, and Social Security Number of M.L.S. Special Agent Reinhard also  
6 reviewed the second M.L.S. criminal history record with the New York M.L.S., who  
7 confirmed that he had sustained all of the arrests on the record.

8                   **VIII. INFORMATION FROM NEW YORK CASE WORKER**

9       26. I have spoken several times with Ms. Debbie Beattie, a social worker in  
10 New York, who has known M.L.S. for many years. Ms. Beattie spoke with M.L.S. and  
11 determined that he had gone to school in the Bridgehampton Union Free School District  
12 in Bridgehampton, New York. At the request of Ms. Beattie, the Bridgehampton Union  
13 Free School District mailed me a certified letter containing M.L.S.'s transcripts. These  
14 records show that M.L.S. was a student from 1960 to 1965. In the mother's name section,  
15 M.D. is listed along with the comment that she is M.L.S.'s "aunt." I note that this is  
16 entirely consistent with the information the New York M.L.S. provided to Special Agent  
17 Reinhard. In addition, records from the Washington Department of Corrections,  
18 regarding biographical information provided by JOHN DOE at various points in time,  
19 indicate that he has provided information inconsistent with the Bridgehampton Union  
20 Free School District records.

21       27. Upon reviewing the records, I also saw that a school photo was attached to  
22 the grade card. I then contacted the District Clerk of the Bridgehampton Union Free  
23 School District, who confirmed that a student photo existed and was attached to the  
24 M.L.S. file. I then requested that a digital picture be taken of the student photo and  
25 emailed to me. On October 19, 2010, I received this photo and determined that, despite  
26 the age of the photo and the subject changing over the years, it appeared to be more  
27 representative of the New York M.L.S. than of JOHN DOE.

28

**IX. CONCLUSION**

28. Based on the foregoing information, I respectfully submit there is probable cause to believe that JOHN DOE is an impostor, and that the New York M.L.S. is the true M.L.S. This conclusion finds support in (i) the fact that JOHN DOE has obtained Washington identification cards in multiple different names, including M.L.S. and S.S.; (ii) JOHN DOE's criminal history records, which indicate the use of several different aliases over the years, only the latest of which is M.L.S.; (iii) my review of the Social Security card provided by JOHN DOE to Washington ESD in April 2005, which appears to be a counterfeit Social Security card; and (iv) the fact that public records obtained from the Bridgehampton Union Free School District are consistent with biographical details provided by the New York M.L.S., but inconsistent with biographical details reported to the Washington DOC by JOHN DOE.

29. Accordingly, I respectfully submit there is probable cause to believe JOHN DOE has committed the crimes set forth above.

  
MATTHEW T. LAVELLE, Complainant  
Special Agent, Social Security Administration

Based on the Complaint sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe that the defendant committed the offenses set forth in the Complaint.

Dated this 1<sup>st</sup> day of February, 2011.

  
JAMES P. DONOHUE  
United States Magistrate Judge